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## ***Public Utilities Commission of the State of California***

***Public Agenda 3080  
Wednesday, January 23, 2002, 10 a.m.  
San Francisco, California***

**Commissioners**  
**Loretta M. Lynch, President**  
**Henry M. Duque**  
**Richard A. Bilas**  
**Carl W. Wood**  
**Geoffrey F. Brown**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b><i>Open to the Public</i></b>
Friday, January 18	Wednesday, January 23
Monday, February 4	Thursday, February 7
Friday, February 15	Thursday, February 21
Friday, March 1	Wednesday, March 6
Monday, March 18	Thursday, March 21

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held. A "✓" next to the date indicates that the meeting will be held. A "✓" next to the item number on the Agenda indicates that the matter will be considered during the Ratesetting Deliberative Meeting.*

*A "◆" next to the item number on the Agenda indicates that the matter may be considered during Closed Session pursuant to Public Utilities Code Section 1701.2(c); thereafter the Commissioners will reconvene in Public Session to vote on the item.*

#### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- CA-21

## CONSENT AGENDA

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

## ORDERS AND RESOLUTIONS

- CA-1**      **Res TL-18985** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2**      **Res ALJ-176-3080** - Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- CA-3**      **R88-08-018 – Order Instituting Rulemaking into natural gas procurement and reliability issues. R90-02-008 – Related matter.**  
This decision awards The Utility Reform Network \$2,378.44 for its substantial contribution to D01-05-074 and D01-08-027 pertaining to Southern California Generation Coalition's emergency petition for modification of Southern California Gas Company's imbalance rules regarding gas storage for non-core customers. These proceedings are closed.  
(Com Bilas – ALJ Wong)

- CA-4            A99-12-012 - MCI WorldCom, Inc. (MCI) and Sprint Corporation (Sprint).**  
For approval to transfer control of Sprint's California operating subsidiaries to MCI. This decision grants intervenor compensation to three intervenors who participated in developing the record of this proceeding, as follows: The Utility Reform Network: \$84,616.04, a reduction of \$10,019.00 from its requested amount of \$94,635.04; The Utility Consumers' Action Network: \$31,362.18, a reduction of \$10,915.63 from its requested amount of \$42,277.81; The Greenlining Institute/Latino Issues Forum: \$90,647.16, a reduction of \$109,273.84 from its requested amount of \$199,921.00. This proceeding is closed.  
(Com Lynch – ALJ Thomas)
- CA-5            C01-04-009 - Smurfit-Stone Container Corporation (Complainant) vs. Southern California Edison Company.**  
This decision denies complaint seeking to offset money a holding company and its subsidiaries owe for tariffed electric services by an equivalent amount a utility owes to complainant's subsidiary. This proceeding is closed.  
(Com Wood – ALJ Galvin)  
(Section 311(g)(1).)
- CA-6            Res TL-18982.** This resolution adjusts the rates in Maximum Rate Tariff 4, governing the transportation of used household goods and personal effects by household goods carriers.  
(Section 311(g)(1).)
- CA-7            Res T-16626 – Verizon California, Inc. (Verizon).**  
This resolution approves Verizon's proposed modifications to the tariff language relating to Remote Call Forwarding service, protects ratepayers from arbitrary service termination and avoids revenue loss from toll bypass. The approved modifications ensure that Verizon's tariff is similar to that of other incumbent local exchange carriers in California and reflects Verizon's costs and system constraints.  
(Advice Letter (AL) 8804 filed August 19, 1998, supplemental AL 8804-A filed April 6, 1999, AL 8804-B filed February 16, 2001, and AL 8804-C filed November 29, 2001)  
(Section 311(g)(1).)

- CA-8            A01-08-004 - Poly-Tainer, Inc.**  
Petition for modification of Resolution E-3707 granted in part. Southern California Edison Company (SCE) shall file revised tariffs within 10 days of the date the order is mailed. SCE shall notify customers of the option to opt-out of economic development rates effective December 7, 2000 within 30 days of the date the revised tariffs are effective. Customers shall have up to 30 days to elect the opt-out option. This proceeding is closed.  
(Com Wood – ALJ Mattson)  
(Section 311(g)(1).)
- CA-9            A00-12-026 - Pacific Gas and Electric Company (PG&E).**  
For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. This decision grants PG&E authority to convert nine of the 13 license agreements into lease agreements. The remaining four agreements will be addressed in a future decision after further review of the agreements' compliance with Section 851 and the California Environmental Quality Act.  
(Com Lynch – ALJ Kenney)  
(Section 311(g)(1).)
- CA-10          A99-08-034 – Pacific Gas and Electric Company (PG&E).**  
This decision grants PG&E's application to exempt six transactions from Pub. Util. Code Section 851 pursuant to Section 853(b). This proceeding is closed.  
(Com Wood – ALJ Kenney)  
(Section 311(g)(1).)
- CA-11          Res TL-18986 – Northstate Airport Shuttle, Inc. (Applicant).**  
This resolution grants the request of Applicant for voluntary suspension of its passenger stage corporation certificate for one year.
- CA-12          Res TL-18987 – Abdulla M. Alzuaaree dba Lucky Shuttle Service (Applicant).**  
This resolution grants the request of Applicant for voluntary suspension of his passenger stage corporation certificate for one year.
- CA-13          Res T-16628 – Pacific Bell Telephone Company (Pacific).**  
This resolution approves a resale agreement between Pacific and Telecents Telecommunications, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181.  
(Advice Letter 22417 filed November 20, 2001)
- CA-14          Res SX-46 – North San Diego County Transit Development Board**

**(NCTD).**

This resolution authorizes NCTD to make improvements to the automatic signal warning devices at two in-station pedestrian at-grade crossings at Poinsettia Station in the City of Carlsbad and two in-station pedestrian at-grade crossings at Sorrento Valley Station in the City of San Diego, San Diego County.

**CA-15      A01-09-042 – Calpoint (California) LLC (Calpoint).**

This decision grants Calpoint a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and interexchange telecommunications service. This proceeding is closed.  
(Com Wood – ALJ O'Donnell)

**CA-16      A99-01-036 – PacifiCorp and Scottish Power plc.**

For exemption from the merger approval requirements of Cal. Pub. Util. Code Sec. 854. This decision grants PacifiCorp's petition for modification of D99-06-049 by eliminating a telephone response time standard, which has become unnecessary. This proceeding is closed.  
(Com Bilas – ALJ Barnett)

**CA-17      C01-01-043 - Universal Studios, Inc. vs. Southern California Edison Company.**

This decision extends the 12-month statutory deadline pursuant to Pub. Util. Code § 1701.2(d) until further notice.  
(Com Wood – ALJ McKenzie)

**CA-18      A01-10-041 – Pacific Gas and Electric Company (PG&E).**

This decision grants the application of PG&E to convey an easement to CPN Pipeline Company for the installation and maintenance of two underground gas pipelines and for related access. This proceeding is closed.  
(Com Lynch – ALJ Prestidge)

**CA-19      A00-06-002 – Global Photons Systems, Inc. and Global West Network, Inc. (Petitioners)**

For authority to modify their Certificate of Public Convenience and Necessity to permit construction of specific telecommunications facilities. Petitioners request modification of their operating authority granted in D00-11-037 in order to construct a limited amount of new facilities in Los Osos, California. The new construction will allow customers to connect to the Global West Network. The petition for modification of D00-11-037 is granted only with regard to the Los Osos construction and the proceeding will remain open to review additional requested modifications.  
(Com Lynch – ALJ Duda)

**CA-20      A01-05-012 – SCX, Inc. (SCX).**

This decision approves the application of SCX to operate scheduled vessel common carrier service between San Diego and Oceanside, and unscheduled vessel common carrier service between San Diego, Oceanside, and Marina Del Rey, subject to the condition that SCX or protestant Sea Planes, Inc, may file a petition to modify this decision within six months of commencement of the service. This proceeding is closed.  
(Com Bilas – ALJ Ryerson)  
(Agenda 3079, Item CA-17, 1/9/02; Req- Commission)

**CA-21      (ECP) C01-08-006 - Scott Kiley vs. Pacific Bell Telephone Company and In Touch Communications.**

This decision closes this proceeding due to resolution at hearing.  
(Com Brown – ALJ Bushey)  
(Agenda 3079, Item CA-6, 1/9/02; Req- Commission)

**CA-22      R98-06-029 – Order instituting rulemaking on the Commission’s own motion into the service quality standards for all telecommunications carriers and revisions to General Order 133-B.**

This decision awards California Small Business Association and California Small Business Roundtable \$8,844.47 and Sun Yung Kim \$19,621 in compensation for their respective substantial contributions to D00-03-052. This proceeding is closed.  
(Com Bilas – ALJ DeUlloa)  
(Agenda 3075, Item CA-25, 11/8/01; Agenda 3079, Item CA-30, 1/9/02; Req - Commission)

- CA-23      A00-07-048 – Southern California Edison Company (Edison).**  
For an order increasing the currently authorized amount of variable interest rate debt instruments, or guarantees of the debt securities of another, to finance undercollections in its Regulatory Balancing Accounts, from \$700,000,000 to an aggregate principal amount not to exceed \$1,200,000,000. This decision disposes of the petition to modify D01-01-021 and D00-10-040 filed by Edison. This proceeding is closed.  
(Com Lynch – ALJ Evans)
- CA-24      A98-12-005 – GTE Corporation (GTE) and Bell Atlantic Corporation (Bell Atlantic).**  
GTE to transfer and Bell Atlantic to acquire control of GTE's California utility subsidiaries which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision concerns awards for substantial contributions to D00-03-021. The decision modifies D01-09-045 by adding response to comments on the ALJ's draft decision. This proceeding is closed.  
(Com Duque – ALJ Kotz)  
(Agenda 3073, Item CA-26, 10/10/01; Agenda 3075, Item CA-39, 11/8/01; Req - Commission)
- CA-25      R98-09-005 – Order instituting rulemaking on the Commission's own motion to consider modifications to the Universal Lifeline Telephone Service Program and General Order 153.**  
This decision grants The Utility Reform Network an award of \$16,015, Public Advocates an award of \$38,409, and Greenlining Institute and Latino Issues Forum an award of \$27,720, in compensation for their substantial contributions to D00-10-028. Pacific Bell and Verizon California shall each pay in proportion to the number of access lines they serve.  
(Com Duque – ALJ DeUlloa)  
(Agenda 3068, Item CA-41, 8/2/01; Agenda 3075, Item CA-34, 11/8/01; Req - Commission)

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## REGULAR AGENDA

### UTILITY AND TRANSPORTATION ORDERS

#### *ORDERS HELD OVER*

- H-1           A01-04-007 – Southern California Gas Company (SoCalGas).**  
This decision addresses the terms and conditions upon which SoCalGas may sell the 14 Bcf of reclassified cushion gas at its Aliso Canyon and La Goleta storage fields.  
(Com Lynch – ALJ Wong)  
(Agenda 3073, Item 3, 10/10/01; Agenda 3079, Item H-3, 1/9/02; Req - Commission)
- H-1a          ALTERNATE ORDER TO ITEM H-1.**  
This alternate draft decision authorizes Southern California Gas Company to sell 100% of the 14 Bcf of reclassified cushion gas at the Aliso Canyon and La Goleta storage fields on the open market utilizing the sealed bid procedure as described in its July 6, 2001 comments. The determination of how the net proceeds should be allocated, and other ratemaking issues described in D.01-06-086, shall be addressed in Phase 2 of this proceeding.  
(Com Brown)
- H-2           A93-12-025 – Southern California Edison Company.**  
For authority to increase its authorized level of base rate revenue under the Electric Revenue Adjustment Mechanism for service rendered beginning January 1, 1995 and to reflect this increase on rates. I94-02-002 – Related Matter. This decision denies without prejudice modification of San Diego Gas & Electric Company's (SDG&E) requested revenue sharing mechanism and associated pricing provisions adopted for San Onofre Nuclear Generating Units Nos. 2 and 3 (SONGS 2&3) in D96-04-059, clarifies that SDG&E will have an obligation to serve ratepayers with SONGS 2&3 generation after 2003, and denies without prejudice SDG&E's requested ratemaking method to reduce the Assembly Bill 265 Undercollection Balancing Account. This proceeding is closed.  
(Com Duque – ALJ Econome)  
(Section 311(g)(1).)  
(Agenda 3073, Item 1, 10/10/01; Agenda 3079, Item H-8, 1/9/02; Req – Commission)



- H-3            A96-09-028 – Pacific Gas and Electric Company.**  
For authority to continue the unbundling of interstate transmission charges from core transport rates, and to address Canadian transmission capacity and charges as they relate to core transport rates, beginning January 1, 1998. This decision modifies D97-12-032 to grant core aggregators an assignment of gas transportation capacity on the ANG and NOVA pipelines. Adopts restrictions to stabilize core aggregation in natural gas market without subsidizing expansion of aggregation market. This proceeding is closed.  
(Com Bilas – ALJ Sullivan)  
(Section 311(g)(1).)  
(Agenda 3076, Item CA-4, 11/29/01; Agenda 3079, Item H-9, 1/9/02; Req - Commission)
- H-4            (ECP) C01-10-036 - Verizon California, Inc. (Verizon) vs. Pac-West Telecomm, Inc. (PacWest).**  
This decision denies the complaint of Verizon against Pac-West. The complaint challenged an Administrative Law Judge's Ruling prohibiting Verizon from unilaterally implementing new rates established by the Federal Communications Commission for delivery of Internet-bound telephone traffic. Verizon is directed to pay Pac-West all amounts improperly withheld within three business days of this decision. This proceeding is closed.  
(Com Wood – ALJ Reed)  
(Agenda 3079, Item CA-10, 1/9/02; Req- Commission)
- H-5            I\_\_\_\_\_ - Order Instituting Investigation on the Commission's own motion into the rate of return earned by Valencia Water Company (Valencia).**  
By this order the Commission institutes an investigation into the operations and practices of Valencia to determine whether it has and will earn a rate of return in excess of that authorized by D94-12-020 and to establish the appropriate revenue requirement. This order also establishes a memorandum account in which all revenues in excess of those authorized by the 9.40% rate of return shall be placed, and requires Valencia to file a Notice of Intent to file its General Rate Case within 60 days of the service of this Order.  
(Agenda 3079, Item 7, 1/9/02; Req - Commission)

**H-6                    I01-12-010 – Order Instituting Investigation into the actions of Pacific Gas and Electric Company (PG&E), and its officers and employees for non-compliance with a Commission Decision.**

This decision addresses PG&E's uncontested proposal for resolving the issues arising from D01-10-059 and the Commission's order instituting the investigation and related Order to Show Cause. PG&E shall pay a penalty and shall tender a Notice of Intent for a test year 2003 general rate case as set forth in the decision. This proceeding is closed.

(Com Brown – ALJ Wetzell)

(Agenda 3079, Item 10, 1/9/02; Req - Commission)

**H-7                    R95-04-043 - Order instituting rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 – related matter.**

This decision denies in part and grants in part the petition to modify D98-01-022 filed by Metro One Telecommunications, Inc. and InfoNXX. The limited modification requires Pacific Bell to discontinue charging a per query fee to third-party purchasers of access to its Directory Assistance database.

(Com Bilas – ALJ Pulsifer)

(Section 311(g)(1).)

(Agenda 3075, Item 6, 11/8/01; Agenda 3077, Item H-16, 12/11/01; Req - Commission)

**H-8                    R97-04-011 - Order Instituting Rulemaking to Establish Standards of Conduct Governing Relationships Between Energy Utilities and Their Affiliates. I97-04-012 – Related matter.**

This decision revises the disclaimer requirement set forth in Section V.F.1 of the Affiliate Transaction Rules so that the revised language the Commission adopted for San Diego Gas & Electric Company and Southern California Gas Company will be made applicable to all utilities covered by the Rules. The decision also vacates the penalty the Commission assessed against Pacific Gas and Electric Company (PG&E) in D98-11-026 and D99-03-025 because it was based on PG&E's violation of a Rule which the Commission has subsequently found was not narrowly tailored to achieve an appropriate balance between utilities' commercial speech rights and the Commission's substantial interest in promoting competition. These proceedings are closed.

(Com Bilas – ALJ Econome)

(Section 311(g)(1).)

(Agenda 3069, Item CA-4, 8/23/01; Agenda 3076, Item H-8, 11/29/01; Req – Commission)

**H-9**

**A01-08-012 – Southwest Gas Corporation (Southwest).**

This decision grants Southwest the authority to issue one or more types of debt securities in the principal amount of up to \$550,000,000; refinance previously issued short-term debt securities; and enter into one or more interest rate risk management contracts. This proceeding is closed.

(Exam Clanon)

(Agenda 3074, Item 7, 10/25/01; Agenda 3079, Item H-6, 1/9/02; Req - Commission)

**ORDERS**

- 1            I00-05-020 - Order Instituting Investigation into the status, rates, rules, operations, service, facilities, equipment, contracts and practices of the Union Pacific Railroad Company in the supply, distribution, and sale of water by the Keene Water System to the communities of Keene and Woodford in Kern County.** This decision addresses the issue of whether the Keene Water System operated by Union Pacific Railroad Company has been dedicated to public use for the benefit of the communities of Keene and Woodford in Kern County. The decision finds that dedication has occurred and that the Keene Water System is a public utility system subject to Commission jurisdiction pursuant to Public Utilities Code Section 2701. This proceeding is closed.  
(Com Wood – ALJ DeUlloa)  
(Section 311(d).)

- 2            R97-10-016 - Order Instituting Rulemaking on the Commission's Own Motion into Monitoring Performance of Operations Support Systems. I97-10-017 - Related matter.**  
By this decision, the Commission adds the final piece to implement an operations support systems (OSS) performance remedies plan. This plan will provide incentives for the incumbent local exchange carriers (ILECs) to give competitors equitable access to their OSS infrastructure. The plan consists of performance measurements established in D01-05-087, performance criteria established in D01-01-037, and the monetary incentives we now adopt. The plan measures, evaluates, and imposes monetary charges on an ILEC payments for OSS performance which could inhibit competition by disadvantaging the competitive local exchange carriers.  
(Com Bilas - ALJ Reed)  
(Section 311(g)(1).)

**3                    P01-08-044/R\_\_\_\_\_ - California Alliance of Information and Referral Services and Members of the Statewide 2-1-1 Steering Committee.**

For a Commission Order Instituting Rulemaking to adopt, amend or repeal a regulation pursuant to Public Utilities Code Section 1708.5 to implement 2-1-1 dialing in California.

This decision initiates rulemaking into the implementation of 2-1-1 dialing services in California.

(Com Duque – ALJ Sullivan)

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**UTILITIES RESOLUTIONS AND WRITTEN REPORTS****ENERGY MATTERS**

- E-1            Res E-3613 – San Diego Gas & Electric Company (SDG&E).**  
This resolution approves SDG&E's request to charge a Scheduling Agent Fee to Monsanto Company for services regarding Monsanto's power flow to the Power Exchange and the Independent System Operator.  
(Advice Letter 1131-E filed November 4, 1998)  
(Section 311(g)(1).)
- E-2            Res E-3765 – Southern California Edison Company (SCE).**  
SCE seeks the establishment of the Procurement Related Obligations Account and associated ratemaking structure, to be implemented on September 1, 2001. This resolution grants the request with modifications.  
(Advice Letter 1586-E filed November 14, 2001)  
(Section 311(g)(1).)
- E-3            Res G-3322 – Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE) and Southern California Gas Company (SoCalGas).**  
PG&E requests authority for interim funding of its low-emission vehicle program starting January 1, 2002 and continuing through the effective date of the rates resulting from a Commission decision issued in PG&E's next general rate case. SCE requests authority to extend its Electric Vehicle Adjustment Clause mechanism until December 31, 2002. SoCalGas requests authority for interim funding of its low-emission vehicle program until the later of December 31, 2002, or the issuance of a final decision in its next base margin proceeding. This resolution grants, with modifications, the requests of PG&E, SCE, SoCalGas, except for PG&E Advice Letter 2164-E, which is denied. San Diego Gas & Electric Company is ordered to file an application as described in this resolution if they intend to continue their low-emission vehicle program beyond the current authorization provided in D95-11-035.  
(PG&E Advice Letter (AL) 2340-G filed September 14, 2001, PG&E AL 2164-E filed September 19, 2001, SCE AL 1558-E filed July 6, 2001, SoCalGas AL 3022 filed April 30, 2001).  
(Agenda 3077, Item E-1, 12/11/01; Agenda 3079, Item E-2, 1/9/02; Req - Commission)

**E-4**

**Res G-3328 – Pacific Gas and Electric Company (PG&E).**

PG&E requests approval for its California Alternative Rate for Energy application form revisions pursuant to Ordering Paragraph 6 of D00-09-036.

(Advice Letter 2302-G/2088-E filed March 16, 2001)

(Section 311(g)(1).)

(Agenda 3077, Item E-1, 12/11/01; Agenda 3079, Item E-3, 1/9/02; Req - Commission)

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**WATER MATTERS**

- W-1            Res W-4320 – Southern California Water Company, Metropolitan District.**  
This resolution addresses the utility's request to increase rates as part of its infrastructure replacement program.  
(Advice Letter 1105-W filed November 13, 2001)  
(Agenda 3079, Item W-1, 1/9/02; Req - Commission)



## **LEGAL DIVISION MATTERS**

### ***RESOLUTIONS AND MEMORANDUMS***

**L-1**

**Res L-297.**

This resolution authorizes disclosure of Commission Consumer Services Division (Utilities Safety Branch) records pursuant to Public Records Act request by Michael G. Bickers of Lewis, D'Amato, Brisbois & Bisgaard LLP, seeking disclosure of Commission staff investigation records relating to October 23, 2000 incident involving Kuno's grading (incident report No. EIR 20001206-01.

*(Section 311(g)(1).)*

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**COMMISSIONERS' REPORTS**

**MANAGEMENT REPORTS**

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## CLOSED SESSION

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).*

### NON-FEDERAL ITEMS

#### ORDERS HELD OVER

- HEX-1      Conference with Legal Counsel – Application for Rehearing.**  
**A01-05-032, A01-05-043 and A01-05-044** –Disposition of Applications for Rehearing of Resolution M-4801, filed by the California Association of Competitive Telecommunications Companies, Southern California Edison Company and San Diego Gas & Electric Company/Southern California Gas Company, respectively. On April 19, 2001, by Resolution M-4801, the Commission confirmed staff's authority to suspend the effectiveness of advice letter filings of tariff changes.  
(Gov. Code § 11126(e)(2)(B)(i).)  
(Agenda 3071, Item EX-8, 9/20/01; Agenda 3079, Item HEX-3, 1/9/02; Req - Commission)
- HEX-2      Conference with Legal Counsel - Existing Litigation**  
**San Diego Gas & Electric Company v. PUC**, Court of Appeal, Fourth Appellate District, Division One, D038064.  
(Gov. Code § 11126(e)(2)(A).)  
(Agenda 3068, Item EX-13, 8/2/01; Agenda 3079, Item HEX-1, 1/9/02; Req - Commission)

- HEX-3      Conference with Legal Counsel – Initiation of Enforcement Proceeding**  
Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)  
(Gov. Code §§ 11126(d)(2), 11126(e)(2)(C)(i).)  
(Agenda 3077, Item EX-5, 12/11/01; Req - Commission)
- HEX-4      Conference with Legal Counsel – Application for Rehearing**  
**I98-02-025** - Disposition of application for rehearing of D00-04-003 filed by Greenlining Institute. D00-04-003 granted the Greenlining Institute and Latino Issues Forum intervenor compensation awards for contributions to D98-12-084.  
(Gov. Code § 11126(e)(2)(B)(i).)  
(Agenda 3076, Item EX-7, 11/29/01; Req - Commission)
- HEX-5      Conference with Legal Counsel – Application for Rehearing**  
**R99-11-022** – Disposition of applications for rehearing of D01-03-067 filed by Calpine Corporation, Caithness Energy, Mega Renewables, Mega Hydro I, Central Hydroelectric Corporation, Tractebel Power, Inc. et al, CE Generation, Cogeneration Association of California, California Cogeneration Council, and Independent Energy Producers Association. In D01-03-067 the Commission adjusted the short-run avoided cost formula pursuant to Section 390 of the California Public Utilities Code. The applicants seeking rehearing oppose the formula adjustments which affect the energy payments to be made by Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas and Electric Company to Qualifying Facilities under the Federal Public Utility Regulatory Policies Act of 1978.  
(Gov. Code § 11126(e)(2)(B)(i).)  
(Agenda 3067, Item EX-8, 7/12/01; Agenda 3074, Item HEX-1, 10/25/01; Req - Commission)

**ORDERS**

- EX-1           Conference with Legal Counsel – Applications for Rehearing**  
Compilation of applications for rehearing recently filed with the Commission.  
(Gov. Code §. 11126(e)(2)(B)(i).)
- EX-2           Conference with Legal Counsel – Threatened Litigation**  
Significant exposure to litigation.  
(Gov. Code § 11126(e)(2)(B).)
- EX-3           Conference with Legal Counsel – Initiation of Litigation**  
Consideration of possible Commission initiation of, or intervention in, litigation.  
(Gov. Code § 11126(e)(2)(C)(i).)
- EX-4           Personnel Matters**  
Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.  
(Gov. Code § 11126(a).)
- EX-5           Conference with Legal Counsel – Application for Rehearing**  
**R00-10-002** – Disposition of Application for Rehearing of D01-09-020 filed by Dr. Lee R. Walker, M.D., D.D.S. In D01-09-020, the Commission determined eligibility for Category M exemption status from rotating outages to customers of Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company based on public health and safety criteria.  
(Gov. Code § 11126(e)(2)(B)(i).)
- EX-6           Conference with Legal Counsel – Initiation of Enforcement Proceeding**  
Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)  
(Gov. Code §§ 11126(d)(2), 11126(e)(2)(C)(i).)

**EX-7**

**Conference with Legal Counsel – Application for Rehearing**

**A00-05-021** – Disposition of Application for Rehearing of D00-09-032 filed by Roseville Telephone Company (Roseville). D00-09-032 approves an interconnection agreement between Pac-West Telecom and Roseville. D00-09-032 also holds that Roseville must pay reciprocal compensation for ISP traffic. In its application for rehearing, Roseville alleges: 1) the Commission lacks legal authority to order reciprocal compensation for ISP-bound traffic and 2) the Commission has no jurisdiction to set compensation for calls to ISPs.  
(Gov. Code § 1126 (e)(2)(B)(i).)

**EX-8**

**Conference with Legal Counsel--Application for Rehearing**

**A00-09-009, A00-09-010, A00-09-011, A00-09-012** - Disposition of the Application for Rehearing of D01-08-039, filed by California Water Service Company. The decision grants a general rate increase to certain of the company's water districts, but omits one for the Palos Verdes District, which the company avers is in error.  
(Gov. Code § 11126(e)(2)(B)(i).)

## **FEDERAL ITEMS**

- FEX-1      Conference with Legal Counsel – Initiation of Litigation**  
Consideration of possible Commission initiation of, or intervention in,  
federal agency or court proceedings.  
(Gov. Code § 11126(e)(2)(C)(i).)

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